REMARKS

Claims 1-20 are pending in this Application. Applicant has amended claim 1 to define the claimed invention more particularly. Applicant has added new claims 9-20 to claim additional features of the invention and provide varied protection for the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges the Examiner's indication that claims 3-8 are allowed. However, for at least the reasons discussed below, Applicant respectfully submits that all claims herein are allowable.

Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sones (US Patent No. 5,911,003) in view of Mizukura et al. (USPAP 2006/0012808 and hereinafter Mizukura).

Applicant respectfully traverses this rejection in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to an apparatus for reproducing image data formed by imaging an object.

The apparatus for reproducing image data includes a reader circuit for reading out image data, first color space information represented by a plurality of coefficients converting the image data in a color space set when imaging the object, and color temperature information optimum for the first color space information, a first color space corrector for correcting the image data based on the first color space information, a color temperature adjuster for correcting the image data corrected by the first color space corrector based on the color temperature information optimum for the first color space information, and a second color space corrector for correcting the image data adjusted by the color temperature adjuster based on second color space information represented by a plurality of coefficients converting

the image data to a color space set in the apparatus.

In a conventional apparatus for reproducing image data, as described in the Background of the present Application, raw pixel data are directly recorded as image data. The reproducing apparatus may often, when reproducing an image captured based on the raw pixel data, the iris information, and the color temperature information, form an image with its white balance set off. This occurs when the color space of the reproducing apparatus differs from the optimum color space set on the camera. When the reproducing apparatus reproduces an image in an optional color space thus adjustably set, the white balance is caused to shift from its proper value to be merely poor, because the color temperature information set is optimized only to the color space of the camera (e.g., see Application at paragraph [0006]).

The claimed invention, however, provides an apparatus for reproducing image data that includes a first color space corrector for correcting the image data based on the first color space information, a color temperature adjuster for correcting the image data corrected by the first color space corrector based on the color temperature information optimum for the first color space information, and a second color space corrector for correcting the image data adjusted by the color temperature adjuster based on second color space information represented by a plurality of coefficients converting the image data to a color space set in the apparatus (e.g., see Application at paragraph [0073] and [0078]).

These features are important because with this arrangement, the image can be corrected to a desired color space with less susceptibility to the offset of the white balance, and the reproducing apparatus is able to produce a satisfactory image to provide an easy-to-use system (e.g., see Application at paragraph [0078]).

II. THE PRIOR ART REJECTION

In rejecting claims 1 and 2, the Examiner alleges that one of ordinary skill in the art would have combined Sones with Mizukura to render obvious the claimed invention. Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, Sones with Mizukura do not teach or suggest, "*a reader circuit for reading*

out image data, first color space information represented by a plurality of coefficients converting the image data in a color space set when imaging the object, and color temperature information optimum for the first color space information; a first color space corrector for correcting the image data based on the first color space information; a color temperature adjuster for correcting the image data corrected by said first color space corrector based on the color temperature information optimum for the first color space information," (emphasis added by Applicant) as recited in claim 1.

The Examiner alleges that Sones teaches the claimed reader circuit. Specifically, the Examiner attempts to analogize the removing spurious principle colors through a pairing function of Sones to the claimed reading color temperature information optimum for the first color space information of the claimed invention.

The Examiner bases his rejection upon Fig. 6C of Sones and alleged that the alleged reader circuit 30 reads "*color temperature information optimum for the first color space information (fig 6c, 372-378 of fig 6c)*" (emphasis added by Applicant) (Office Action at page 4, lines 5-6).

Applicant respectfully submits, however, "*Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. In re Mraz, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). However, the picture must show all the claimed structural features and how they are put together. Jockmus v. Leviton, 28 F.2d 812 (2d Cir. 1928). The origin of the drawing is immaterial. For instance, drawings in a design patent can anticipate or make obvious the claimed invention as can drawings in utility patents. When the reference is a utility patent, it does not matter that the feature shown is unintended or unexplained in the specification. The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. In re Aslanian, 590 F.2d 911, 200 USPQ 500 (CCPA 1979)*" (See M.P.E.P. 2125).

The drawings of Sones do not illustrate that the alleged reader circuit 30 reads color temperature optimum for the first color space information, as recited in claim 1.

Indeed, Fig. 6C of Stones shows a process to remove spurious principal colors through a pairing function (col. 11, lines 47-65).

If the Examiner wishes to maintain this rejection, then Applicant requests the Examiner to provide a reason where the disclosure of Sones provides support for the Examiner's allegations. The drawings of Sones, alone, do not provide support for the

Examiner's allegations.

Furthermore, the Examiner attempts to analogize the color space of Sones to the claimed first color space corrector for correcting the image data based on the first color space information.

The Examiner bases his rejection upon column 1, lines 35-40 of Sones and alleged that the alleged apparatus in Fig. 2 of Sones includes a color corrector for correcting the data based on the first color space information (Office Action at page 4, lines 7-8).

Indeed, column 1, lines 35-40 of Sones, upon which the Examiner bases his rejection, merely teaches a color space defined by yellow, cyan, magenta (YCM). Sones, however, is silent about, and fails to teach or suggest, in column 1, lines 35-40 (or anywhere else, for that matter), a first corrector for correcting the data based on the first color space information, as recited in claim 1.

Moreover, Applicant submits that Mizukura fails to make up the deficiencies of Sones.

Indeed, Mizukura discloses a white-balance correction processing section 92 that corrects the balance of each color on the basis of the color temperature of an image signal (paragraph [0086]). Mizukura, however, is silent about, and fails to teach or suggest "*a reader circuit for reading out image data, first color space information represented by a plurality of coefficients converting the image data in a color space set when imaging the object, and color temperature information optimum for the first color space information; a first color space corrector for correcting the image data based on the first color space information,*" as recited in claim 1.

Indeed, the Examiner does not even allege that Mizukura teaches or suggests these features. The Examiner merely relies on Mizukura for allegedly teaching a color temperature adjuster (e.g., see. Office Action at page 4, lines 18-20).

Since Mizukura does not overcome the deficiencies of Sones, the combination of references fails to render the rejected claims obvious.

Furthermore, the Examiner conceded that Sones does not teach the claimed color temperature adjuster. The Examiner bases his rejection upon Mizukura and attempts to analogize the white-balance correction processing section 92 of Mizukura to claimed color temperature adjuster (Office Action at page 4, lines 16-21).

Applicant submit that Mizukura fails to teach or suggest, "*a color temperature*

adjuster for correcting the image data corrected by said first color space corrector based on the color temperature information optimum for the first color space information," (emphasis added by Applicant) as recited in claim 1.

Indeed, Mizukura teaches that a white-balance processing section 92 corrects the balance of each colors based on the color temperature of the image signal supplied from the offset correction process section 91 and the difference in the sensitivity of each filter of the four-color filter 61 (paragraph [0086]). This is different from and fails to teach or suggest a color temperature adjuster that corrects the image data based on the color temperature information optimum for the first color space information, as recited in claim 1.

The color temperature corrector of Mizukura is a white-balance corrector that correct the data based on the color temperature from offset correction process 91, which merely removes noise components contained in the image signal (paragraph [0086]), and does not optimize the first color pace information. Therefore, Mizukura fails to teach or suggest the claimed color temperature adjuster.

Furthermore, Applicant submits that one with ordinary skills in the art would not have combine Sones with the teachings of Mizukura, as alleged by the Examiner.

That is, the alleged apparatus in Fig. 2 of Sones is for a color pattern evaluation system, and lacks the elements and functionality of circuit 13 of Mizukura, which the Examiner attempts to combine its color temperature adjuster with the teachings of Sones. Circuits of Sones and Mizukura are for different purposes, have different structures, are unrelated arts, and cannot be combined as alleged by the Examiner.

Indeed, Sones teaches that gain of camera 30 and white balance (relative gains of channels corresponding to the color components RGB) are adjusted to a constant, WHITEAVG, corresponding to a bright unsaturated image (see Sones at col. 6, lines 60-65). Therefore, adding the alleged white balance corrector of Mizukura, which has the alleged color temperature adjuster, changes the principle of operation of Sones' system. Therefore, one with ordinary skills in the art would not have combines Sones with the teachings of Mizukura.

Indeed, the Examiner's applied a circular reasoning argument for combining the color temperature adjuster of Mizukura, which was missing from the teachings of Sones, with Sones, which teaches a completely distinct invention and structure.

Moreover, in rejecting claim 2, the Examiner has merely paraphrased the device of

Sones. The Examiner has not explained the connection between the teachings of Sones and the claimed invention. Furthermore, the Examiner has not addressed each feature of claim 2 nor has the Examiner pointed out the features of Sones that he is relying on (Office Action at page 5, lines 6-9).

The Examiner bases his rejection upon column 12, lines 5-15 of Sones and alleged that in the alleged apparatus in Figs. 2 and 3 of Sones, the second color information defines a color space desired by a user of the apparatus, as recited in claim 2.

Indeed, column 12, lines 5-15 of Sones, upon which the Examiner bases his rejection, merely teaches a process for removal of spurious principal colors through a pairing function. Sones, however, is silent about, and fails to teach or suggest, in column 14, lines 5-15 (or anywhere else, for that matter), "*the first color space information includes a standard prescription for a color space proposed by a manufacturer, and the second color space information defines a color space desired by a user of said apparatus*," (emphasis added by Applicant) as recited in claim 2. Therefore, Sones fails to teach or suggest claim 2.

Therefore, Applicant respectfully submits that Sones and Mizukura would not be combined by a person with ordinary skills in the art, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

III. NEW CLAIMS

New claims 9-20 have been added to claim additional features of the invention and to provide more varied protection for the claimed invention. The claims are independently patentable because of the novel features recited herein.

Applicant submits that new claims 9-20 are patentable at least because of similar reasons to those set forth above with respect to claims 1-8.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 06.18.08

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